

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 1-22 have been canceled and new claims 23-36 have been added in this reply. Claims 23, 25, 29, 31, 35, and 36 are independent. The remaining claims depend, directly or indirectly, from claims 23, 25, 29, and 31. No new matter has been added by way of these amendments.

#### **Rejections under 35 U.S.C § 101**

Claims 1 and 2 were rejected under 35 U.S.C. §101 because the claimed invention lacks patentable utility. Claims 1 and 2 have been canceled. In view of amendment, this rejection is now moot. New claims 23-36 have been added by this reply to clarify the present invention. These claims are drawn to statutory subject matter. These claims include at least one post-computer process steps that result in a physical transformation outside the computer for which a practical application in the technological arts is disclosed in the specification. Specifically, these claims recite the step of “outputting the formed fostering plan in a predetermined output form.” These claims are also useful invention for a particular practical purpose. The invention recited in claims can form a fostering plan for an individual having a weak capability in an organization as a strong capability. Accordingly, withdrawal of the rejection is respectfully requested.

**Rejections under 35 U.S.C § 102**

Claims 1-5, 9-11, 20, and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by “Bechet, Thomas P; Walker, James W. *Aligning staffing with business strategy*. Human Resource Planning, v16n2, pp. 1-16, 1993” (hereinafter “Bechet et al.”). Claim 1-5, 9-11, 20, and 21 have been canceled. In view of amendment, this rejection is now moot. Accordingly, withdrawal of the rejection is respectfully requested.

New claims 23-36 have been added by this reply to clarify the present invention. Independent claim 23 recites a method using a computer to form a fostering plan for an individual having a weak capability in an organization as a strong capability. Specifically, the concept of the claimed invention finds the accumulated capability amount in the organization, which is regarded as an aggregation comprising a plurality of individuals, by totaling up the capability amount of the individuals for respective capability types, retrieves, as a weak capability in the organization, the capability for the accumulated capability amount that falls down the necessary capability amount in the organization, and fosters a specific individual having the weak capability in the organization as a strong capability. In other words, the claimed invention proposes a combination to supplement the weak capability in the organization with the strong capability of the specific individual. In doing so, work employing the strong capability of the specific individual is given to the organization, and an opportunity which further develops the strong capability is given to the specific individual.

Considering the above discussion, Bechet et al. does not disclose or teach all of the limitations of the claimed invention. Bechet et al. merely discloses a strategic staffing and

analysis process. Specifically, a system disclosed in Bechet et al. merely calculates demand for employees, project availability of employees, and calculates staffing gaps and surpluses by comparing demand to supply in each category of staffing requirements. In Bechet et al., managers and human resource staff identify the staffing actions (e.g., movement, hiring, decruitment) needed to close the gaps and eliminate the surpluses (e.g., see the section "COMPUTER-BASED MODELS").

In view of the above, Bechet et al. fails to show or suggest the present invention as recited in the claim 23, 29, 31, 35, and 36. Thus, the claims are patentable over Bechet et al. Dependent claims are allowable for at least the same reasons. Accordingly, allowance of the claims is respectfully requested.

## Conclusion

Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 15115.003001).

Respectfully submitted,

Date: 8/20/03

<sup>45,925</sup>  
Jeffrey S. Bergman  
Jonathan P. Osha, Reg. No. 33,986  
Rosenthal & Osha L.L.P.  
One Houston Center, Suite 2800  
1221 McKinney Street  
Houston, TX 77010  
Telephone: (713) 228-8600  
Facsimile: (713) 228-8778

52006\_1.DOC